

***Testimony of Kevin Ryan, New Jersey Child Advocate  
Before the New York Assembly  
Children and Families Committee  
On Assembly Bill 6334, May 12, 2005***

Good morning and thank you for the opportunity to address you today. My name is Kevin Ryan, and I am the New Jersey state child advocate. I support the establishment of an independent child advocate in New York because I strongly believe our children deserve the zealous, watchful eye of an independent advocate regardless of which side of the River they live on. Children in Connecticut benefit from the zealous and compassionate work of my friend and colleague, Jeanne Milstein, just as they benefit in New Jersey from the work of my office. Surely, New York's children deserve the same attention, care and advocacy.

To speak candidly, the streets of heaven are too crowded with our children. Bold reform of this nature is almost always born in the graveyard. I hope you will make New York an exception and establish a child advocate with the winds of compassion, not outrage or guilt, at your back. Many of you will remember that in January of 2003, seven-year-old Faheem Williams was found dead in a locked Newark basement - due to starvation and a crushing blow to his stomach. His two brothers were found as well – alive, but in horrendous condition. The Williams brothers had been known to our Division of Youth and Family Services since 1998. Despite recent allegations of harm to the children, our child protection agency had closed the children's case without ever locating the boys.

Faheem's death captured enormous public attention, as did the deaths of many children due to suspected abuse and neglect in the succeeding months. Public accounts of the child protection system's grim collapse prodded New Jersey's Legislature to unanimously create by statute an **independent** Office of the Child Advocate, signed into law by former Governor James McGreevey on September 26, 2003.

With a staff of nearly twenty-five from disciplines that include the law, the nonprofit community, social work, journalism and advocacy, and a modest budget of \$2.5 million, New Jersey's Office of the Child Advocate carries out its mission to advance the safety, health and well-being of New Jersey's children. By statute, our office is authorized to investigate, review, monitor and evaluate State agency responses to allegations of child abuse or neglect in New Jersey, and make recommendations for systemic and comprehensive reform. Our jurisdiction extends to all public and private settings in which a child has been placed by a State or county agency or department, including, but not limited to, juvenile detention centers, group homes, foster homes, residential treatment centers and shelters.

We are committed to identifying systemic problems that hinder government or community agencies from achieving comprehensive and positive outcomes for children, and we work each day to champion solutions to those problems and the interests of children. We undertake exhaustive investigations, work to advance policy and best practice innovations, have the ability to hold public hearings, issue subpoenas for records and other information critical to our work, and to sue State government, if necessary. Finally, we have an affirmative obligation to publicly report on our findings – a most powerful tool to effect real change.

This authority and these tools are, of course, invaluable – but our greatest strength is unmistakably rooted in the independence of our office. Without question, my office would not be a resonant voice for real and meaningful change – that which is unaltered by politics or power – without it. You will do well to incubate an office of the child advocate that is deaf to political voices, and accountable squarely to children.

There is no serious debate about whether New York's children would benefit from an independent Office of the Child Advocate. Of course they would, as would children in every state. New York City now has as the leader of its public child welfare system one of the nation's most esteemed reformers, John Mattingly. Children in New York City are all the better for his being here. But let me clear: the need for an independent, watchful child advocate is not

predicated on an assumption that only marginal leaders and collapsed systems bear monitoring. Vigilance and advocacy make all systems better for children, which is why strong, confident leaders who want to see their agencies thrive and achieve better outcomes for children and families welcome scrutiny.

New York's child protection system has come far, for sure, and has miles to go. This is heartbreaking, high-stakes work. Families' and children's lives hang in the balance. Child welfare is the most important work of our society, and it must be as transparent an exercise as possible. Accountability is essential. An independent child advocate, uniquely, has the capacity to shine an antiseptic light into dark corners and ensure that our children are served well through public exposition. When they are not, the advocate must have the power to champion and enforce reform.

Just a few months ago, our independence was threatened with the introduction of a well-intentioned bill in New Jersey's Legislature to restore the Department of the Public Advocate. Sections of this bill had stripped the Office of the Child Advocate of its independence, creating instead a Division of Child Advocacy that effectively relegated us to an ombudsman-type office with no focus on systemic issues, and little if any power to effect real change. This bill was posted for committee consideration in early March 2005, prompting scores of advocates to testify about the need for our independence – and the importance of our voice. With their help, we were successful in convincing the sponsors that preserving an **independent** voice for children was paramount.

To date, we have released five public reports, including the Jackson Investigation Report (based upon the October 2003 discovery of four severely malnourished boys in Collingswood, NJ), the Arthur Brisbane Child Treatment Center Investigation Report (which, among other findings, outlined the need for a comprehensive child behavioral health system in NJ), an Assessment of the Health Status of a Sampling of Children in Foster Care (which concluded that no real medical safety net exists for children in out of home placement), our Juvenile Justice

Report (exposing that thousands of children with mental and behavioral health needs illegally languish in juvenile detention centers awaiting appropriate placement and services), and a 2004 report on twelve child fatalities. Each report required corrective action, and where the State's progress has been wanting, (as it has been very wanting in the continued illegal detention of children with serious emotional disorders) the courts remain an option under serious review by my office currently. Sometimes reform for children occurs when we lock arms with an agency and bound through the door of change together; other times, we have to kick the door open and push the agency through it. Our statute allows us to do both.

So true it is, as Dr. King said, that the moral arc of the universe is long, yet it bends toward justice. This is so, in my view, not merely by divine inclination, but because men and women of vision, influence and resources do the bending. Be those men and women today, and bend the universe toward justice for our children. Give voice to the voiceless and support an independent office of the child advocate for the beautiful children of this Empire State.